

EXHIBIT

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 LUKE D. BRUGNARA,

17 Defendant.

No. CR08-00222 WHA
CR08-00236 MMC

DECLARATION OF JOE MCAVOY IN SUPPORT
OF U.S.' OPPOSITION TO DEFENDANT'S
MOTION TO MODIFICATION OF RELEASE
CONDITIONS

18 I, Joe McAvoy, being duly sworn, hereby depose and state as follows:

19 1. I was subpoenaed to be a witness in *United States v. Luke Brugnara*, CR08-00236 MMC,
20 involving violations of the Endangered Species Act and the Making of False Statements.

21 2. Kay Brugnara is my sister and Luke Brugnara is my brother in law. I have known Mr.
22 Brugnara for many years.

23 3. On Friday, January 22, 2010, in the afternoon, I called Special Agent Roy Torres to tell
24 him that I had just learned from my sister Maureen that Luke Brugnara had threatened to have me
25 and Dave Chantler, another witness in this case, killed. Maureen told me that while she and our
26 sister Kay Brugnara (Luke's wife) were caring for our ill mother, over the weekend of January 16
27 and 17, 2010, Kay told Maureen the following:
28

1 Luke Brugnara told Kay in front of their oldest son Luke Jr. (14 years old) that he was going
2 to have someone put a bullet in my and Dave Chantler's heads. Luke said that he knew bad
3 people and had enough money to pay them to do this. Kay told Luke that if they put her on
4 the stand in court she would have to tell the truth and say what he had just said. Luke then
5 said that he would have a bullet put between his wife's eyes.

6 4. Based on my knowledge of Luke and my interactions with Luke I believed the threat to
7 be real and serious. I was and still am very concerned for myself, my wife, my sister Kay and
8 Maureen, and for Mr. Chantler.

9 5. I spoke with my sister Maureen about this and she told me that she does not want to get
10 involved because she is scared of Luke Brugnara.

11 I declare under penalty that the foregoing is true and correct to the best of my knowledge and belief.

12 Executed on this 4th day of March 2010, at Morgan Hill, CA.

13 
14 JOE MCAVOY